1: Tew E-4 (no date) 1950 FT7 Yao FT7

office tended to become hereditary. Each councillor had his own village which he administered as a headman. A second set of officials were the court assessors, *mapungu*, who, unlike the councillors, were not in charge of villages of their own in addition to their court duties. Their office was not hereditary and they were chosen for their wisdom and their debating ability. They lived at the court of the chief and their main duty was to sift the evidence in the judicial cases which came before him.

The village headmen were expected to send elephant tusks to the chief (receiving small gifts in return), and to invite him to a yearly beer drink. Like the chief, the village headman governed through a council of the most important men in his village. They constituted a kind of village court over which he presided, and in the old days he could give capital sentence, or award a fine of as many as four slaves. Appeal from his decision lay to the court of the superior headman, or to the chief. Important cases would be reported direct to the chief. Most crimes would be settled by compensation. In cases of murder, several slaves were paid to the kin of the victim, and a fine for spilling blood to the chief. When compensation was handed over, the recipient always returned some part of it as sign that friendship was restored.[1]

Macdonald's further account of the treatment of crime shows how weak was the political organization, in spite of the apparent orderliness of the system of inferior and superior courts. A murderer caught red-handed might be killed at once. If captured alive he might be ransomed on payment of a fine of from four to twenty slaves, some of whom might be killed to accompany the dead. If the murderer escaped a relative of his would be captured and ransomed. This applied to murders occurring among parties friendly to one another and living in the same village. If the murderer was from another village, the injured village, if strong enough, would fall upon the other and kill and enslave the inhabitants. If not strong enough, the chief might be called in to help to annihilate the guilty village.[2]

Modern Administration

In the whole of Nyasaland there must be between thirty and forty Yao chiefs. In the districts of Liwonde, Fort Johnston, and Zomba, where 60 per cent. of the Yao population is concentrated (1931 boundaries), there are at least fifteen such chiefs. Not all those who have the rank of chief in the old Yao system are recognized as Native Authorities or even as Sub-Native Authorities by the Nyasaland Administration, and many Sub-Native Authorities would be full chiefs in the Yao system, and quite independent of the Native Authorities under whom they are placed.

Nowadays the chief has lost many of his former claims to status. He no longer has monopoly of the trade to the coast, for goods are brought in by Indian traders and bought by African tobacco growers or returned labour migrants. He can no longer use his slaves to increase his wealth by running slaving expeditions. His tribute of food and ivory has ceased, and he can no longer entertain lavishly, but he is still expected to give burial cloths and to make gifts to headmen on their succession to office. Some of his councillors have been made court assessors, and are paid for those duties, but others are expected to work for him unpaid. Some chiefs do reward councillors who retain their traditional status but are not officially recognized as assessors by the

[1] Macdonald, 1882, vol. i, pp. 136–8; Stannus, 4, 1922, p. 279.
[2] Macdonald, op. cit., pp. 170–1.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

631 advocates the more orthodox type of Islamic devotion in which
643 a quiet restrained manner is emphasized. As far as I know the
745 *twaliki* sect are confined entirely to Jalasi's chiefdom and the *sukutu* to Kawinga and Liwonde. In this matter, Nyambi's people side with Kawinga's and Liwonde's.

631 On the other hand, local informal organization is well de-
643 veloped so that Chiwalo who is at the point of juxtaposition of
692 Kawinga, Liwonde, Nyambi and Jalasi chiefdoms, may try cases involving headmen from any of these areas, and they usually accept his arbitration. His is the nearest court house. The actual boundaries of the four areas, however, are very clearly recognized and Chiwalo realizes the limits of his jurisdiction. Though he may arbitrate in a difference between headmen, he would not dare to apportion land outside his area. Headmen living on the boundaries of two chiefdoms arbitrate in each other's cases; the
621 villagers under them intermarry. A village in Chiwalo's may
631 procure garden lands in Jalasi's area, and children may be initiated
643 at ceremonies held by headmen in other chiefdoms. There is no clear break in the normal social relationships of people across the boundaries of chiefdoms, and their members interact as freely with each other as members of two villages of the same chiefdom. The cleavage between the villages on different sides of the boundary of a chiefdom becomes apparent only in special situations.

631 The formal relationships of the chiefs, set by the history of
643 their conquests and their kinship, and incorporated in and slightly modified by the Administrative framework, are overlaid by an informal local organization where the interaction of village headmen only conforms to the formal pattern when no agreement can be reached.

The Position of the Modern Chief

643 In ritual situations a chiefdom is clearly differentiated from its
769 neighbours, and many of these situations arise in the cult of
782 tendence on the ancestor spirits. The ancestor cult has fallen away almost completely among village headmen, but among the chiefs it is still strong, and appears particularly in the rain-prayers and the initiation ceremonies. Later, I shall discuss at length the importance of the chief's sanction before headmen may conduct initiation ceremonies. This is because the spirits

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

again. In the past, disputes hinging on murder had this aspect, though they were usually settled by a feud. Nowadays, of course, all murder cases are lifted altogether out of the hands of the chief, but the special fine for bloodshed is still levied in cases of assault. When a man is convicted of assault in the chief's court he will have to pay three separate amounts: one to the victim as compensation, one as a fine to the Native Treasury, and one to the chief 'so that he may see again'.

A similar provision applies to cases of arson. When a case is brought to the chief because a man has burnt another's hut, the chief will say that the guilty man has 'brought a torch into his country'. The man convicted of arson will have to pay a special fine to the chief in the same way as the man who caused bloodshed. The association of the unity of the chiefdom with fire probably has some place in the attitude of the chief here. People who have come to a chiefdom as strangers are said to have come to 'seek the chief's fire',[1] and all the fires in the chiefdom are supposed to have been kindled from one flame. This expresses the unity of the chiefdom: the burning of the hut, therefore, symbolizes the introduction of discordant elements, as well as being a serious crime in itself.

The Chief's Judicial Functions

It is clear from MacDonald's writings that in pre-White days the chief settled most of the serious disputes in his chiefdom. Nowadays, this function of the chief has been given legal sanction under the Native Courts' Ordinance of 1933. 'A' grade courts have the power of imposing fines not exceeding £5, or 6 months' imprisonment and 12 strokes whipping; and 'B' grade courts may impose fines not exceeding £1 and imprisonment including hard labour not exceeding one month, but not corporal punishment. The Native Authorities, Jalasi, Nyambi, Kawinga and Liwonde, all have 'A' courts; the Subordinate Native Authorities, Chikweo, Ngokwe, Chiwalo, Chamba, Mposa, Mlomba, Stora, have 'B' courts. Only a certain proportion of disputes is brought for trial in these Native Authority courts. This is because, firstly, the Administration does not admit the legality of some disputes. Most of these centre on charges of witchcraft,

[1] A similar view of fire in the village context is discussed in Chap. V, p. 112.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

692 but some also on having killed children by *ndaka* [1] (a disease
673 caused by the mystical influence of sexual intercourse). Secondly, other cases not brought to the court are petty squabbles which do not involve heavy compensation. Examples of these disputes are personal quarrels, disputes over land ownership, petty theft and so on. The Native Authority's court handles mainly cases arising from adultery, which involve compensation varying from £1 10*s.* to £5; and theft and assault for which similar compensation may be payable. If the case is brought up to the
696 chief's court there is a mechanism whereby the compensation may be enforced. Ordinarily, in those cases which are not tried in the court house, there is no legal sanction behind the payment of the compensation, so that if a man defaults in payment no legal pressure can be brought to bear on him. It is for this reason that such cases are tried in the court house.

695 The cases are heard by the court assessors who call the wit-
693 nesses and cross-examine them. Sometimes a chief or his representative is in the court, as at Kawinga's court, but sometimes as in Chiwalo's court, the chief never comes to the court house at all. After the evidence is sifted, one court assessor takes the case to the chief and tells him about it. On the basis of the court assessor's analysis he awards compensation and imposes fines. The court assessor then takes this information back to the court house, reassembles the protagonists, and announces the chief's decision. The losing party has then the opportunity to appeal, first to the court of the Native Authority, if the case was tried in a Subordinate Native Authority's court, and then to the District Commissioner.

Cases tried by the chief in his extra-Administrative capacity are usually tried outside the court house. The same personalities take part in the trial but they act now with reference to a different set of values. The procedure is exactly the same, except that in Chiwalo's area the chief is present at the hearing. He sits somewhat aside from the main body of people but within hearing distance, weaving a mat or making nets while the case is being tried.

692 In minor cases, if either of the parties is dissatisfied with the
643 decision, he may take the case up to the chief for arbitration and, theoretically, may then take it from him if he is a Subordinate

[1] See Chap. V, p. 112.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

Native Authority, to the Native Authority, and eventually to the District Commissioner if the case is one which he will countenance. In practice, most cases reach the chief and go no further. Most people accept his decision. Thus the chief has important judicial functions.

The Chief as his People's Representative

In special situations where the welfare of the chiefdom as a whole has been endangered by an infringement of the mores, the chief may take action. For example, a chief prosecutes a village headman who allows a woman in his village to bear her first child before she has been through the *litiwo* ceremony. Every woman who becomes pregnant for the first time must undergo this ceremony, during which she is instructed in child welfare and child care. If she bears a child without undergoing the ceremony, she is said to have 'spoilt the country' (*ajalwice cilambo*), in the sense that she has besmirched its reputation.[1]

Chiefs usually call in magicians 'to smell out' those responsible for keeping back the rain.[2] When the rains fail as they did in 1948–9, their failure is held to be due to the magic of some evilly disposed person. It then becomes the chief's duty to call in a magician to indicate who this person is. The fees for this duty are paid by the chief himself on behalf of his people.

The chief also acts as a representative of his people when they are affected as a whole. For example, Nyambi called in a magician after man-eating lions had taken some of his subjects. This magician called for the hearth-stones and domestic utensils from all the villages in the area, and built them up into a pyramid over which he made some anti-lion medicine. This was to clear the whole chiefdom of man-eating lions.

Nowadays, the chief's representation of his people is seen most clearly in his position in the Administrative framework.[3] The chief represents the Administration to his people since they approach it through him. At the same time the Administration clearly treats him as the representative of his people and consults

[1] I was told in Mponda's area that the women undergo this ceremony *after* the birth of the child, but that it is still obligatory.

[2] *Kutawa ula*—lit. 'to tie or bind the rain', in the sense of to make it a prisoner.

[3] I have dealt with this aspect more fully in 'The Political Organization of the Yao of Southern Nyasaland'.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

554 622 692 These headmen who are the centres of local social structure are the higher headmen that MacDonald mentions.[1] Many of them to-day are the descendants of the traditional councillors (*nduna*) who were sent out to the extremities of the chiefdoms to be the outer governors in these areas.[2] Their villages are social centres in that many disputes are taken to these important headmen before they are taken to the Native Authority's court. For example, the dispute between the women of Nampeya and Cikuwita was taken to Ntibwilibwi.[3] The chief usually orders headmen to assemble at the villages of important headmen when he has directions to issue to them. Very frequently the Administrative officers camp there for the night on their tours and call 554 the headmen in to them for conference. The placing of mosques at the villages of these important headmen also indicates their 622 significance as social centres. Most Moslem villages have small 346 mosques which the more devout use for the morning and evening prayers during Ramadan only. At the villages of important headmen larger mosques have been built and these are used for the midday prayers on Fridays (*jumo*), when most of the Moslems in each area assemble in their best clothes for communal prayers. Large brick mosques have been built at the court villages of Jalasi, Liwonde and Kawinga. There are other large mosques at the villages of chieftains such as Chiwalo, Chamba, Mposa, and of important headmen such as Kangomba, Nyenje and many others. These chiefs and headmen were all Invaders and are, as I shall show later, almost by definition Moslems. They are also headmen of high rank so that the placing of the mosque, and the other features of local social structure, are largely derivatives of the system of ranking.

554 Rank therefore underlies the structure of local areas as well as the structure of the chiefdoms as wholes. It is, as I show later, 622 closely associated with the historical origin of the headmen. Yet the correlation is not perfect and I shall show that other factors tend to militate against the fixed historical ranking of headmen. Nevertheless, the principle of primacy is the most important single factor.

[1] See Chap. II, p. 36.
[2] See Chap. IV, pp. 92–3.
[3] See Chap. V, p. 130.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

his mother was ill and had gone with Lupunje's younger brother to the diviner to find out the cause of the illness. The diviner indicated that Lupunje thought that Kalambo was not showing him the proper respect. Lupunje knew that his sisters had lost their value in the lineage since they had stopped bearing children, whereas Kalambo's sisters were still reproducing. His malice had caused the woman's illness. When Kalambo got home he asked his mother's brother to blow water out of his mouth [1] and help him to prepare some medicine for the sick woman. This Lupunje did and the woman recovered immediately.

Shortly afterwards Kalambo remonstrated with his mother's brother for causing the illness of his sister, but Lupunje said that he had no control over it: the spirits had brought it on her. Kalambo knew that he could do nothing and abandoned the idea of building his own village. He knew that there was bound to be more illness if he carried on with his plan.

Clearly the belief in the mystical powers of the ancestors or of sorcery is a force which prevents sections from breaking away from the village. A break follows only when opposition within the village has reached sufficient pitch to force one of the sections to take the risk of illness, rather than to continue living in the village. Sometimes the dissident group comes back because further deaths at their new village site convince them that their action was wrong.[2]

Effects of the Headman's Personality

Whether a village maintains its unity or not, depends very largely on the personality of the headman. This is why the officiating headmen and others at the installation ceremonies are so insistent that cases should be settled quickly. The main duty of a headman is to maintain harmonious relationships within his village and to see to the welfare of its members. All severe illnesses are immediately reported to him, and so are the results of all divinations. He usually sends his representative to divinations concerning kinsmen not related to him matrilineally. He is immediately notified of all deaths and he organizes the funeral rites. Squabbles are brought to him for arbitration and even where squabbles are settled by kinsmen in the village, usually the headman is formally told of them. Frequently marriage diffi-

[1] An act which recants malice. See Chap. VI, p. 139.

[2] See the case history in Chap. VI, p. 153.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

culties are settled by the marriage sureties [1] who only report to him after the affair is settled. In disputes of unusual gravity, the headman may call in unrelated persons [2] to arbitrate, but he himself must be present.

His own behaviour is expected to be exemplary. Any deviation from the norm is likely to be strictly censured, not only by his own villagers, but also by other village headmen, who may say, 'Important men do not behave in this way.' A man who had an argument with his sister's son was told this. He had taken the dispute to a neighbouring headman who decided against the village headman and rebuked him for behaving in a way not consonant with his position. Village headmen should be above squabbling with their villagers. A village headman who was also a leech had virtually raped a woman whom he was treating. He tried to maintain this was part of the treatment. Her matrilineal relatives reported the matter to the headman of her village and he brought the errant headman in front of the chief who said, 'You are wrong to do this when you are an important man. You are a big man and you act as a commoner does. You ought to be able to show the commoners how to behave.' He was made to pay a compensation of £2 10*s*. and fined 10*s*. Had he been a commoner he would have been made to pay a compensation of only 30*s*.

The ultimate sanction to which all headmen are subject, is that their people will leave them if they behave badly. This was the fate of Cikumba.

In 1944 Cikumba had a village of about 30 huts. The son of the first Cikumba, Meya, had two wives who were living virilocally in Cikumba's village. Meya had enlisted in the army. While he was away, Cikumba, the village headman who was Meya's father's sister's son (though he called him 'father' because of positional succession), started taking Meya's two wives to beer drinks. Meya's sister one day asked Cikumba about his behaviour, but he only said that Meya could not do anything as he was far away. Things had gone too far, however, when one morning he was seen coming out of the

[1] The representative of a spouse in all affairs arising from conjugal relationships. They are usually senior matrilineal relatives. See Chap. VI, pp. 176–7. Their rôle is discussed fully in *Marriage among the Machinga Yao of Southern Nyasaland*.

[2] *Munda jisampambali*, i.e. a person from outside.

3: Stannus D-5 (ca. 1912) 1922 FT7 Yao FT7

643 ivory by his own hunting parties or as a kind of tithe on other hunting expeditions. The ground tusk, i.e. the tusk on the side on which the elephant falls when killed, was the chief's share. In the same way, the hind leg on the ground side of any game animal killed was sent to the chief. He took a share of the spoils of war and most of his people yearly gave him either service in building houses, etc., or kind in the form of food-stuffs, but he enforced no service and levied no tax, except for the making of a new burial place.[1] New settlers in his village were expected to invite him to drink beer made with their first crops.

In return, he always provided cloth to invest the body of the dead. He also made presents at the time of *Unyago*.[2]

A chief's life, therefore, may not be "all beer and skittles," though he consumes a good deal of the former and a kind of skittles[3] was a favorite pastime of one of the Malemyaa. A saying embodying this idea was used when pleading for a man who had [538] committed adultery with his chief's wife "one who carries a tortoise (on a string over his back) is likely to get his clothes soiled"; a man has to put up with the troubles his belongings bring him. So a chief must bear with his own people who do wrong.

643 Ample opportunity for exercising such forbearance was provided, since the chief was formerly the adjudicator of all disputes and dispenser of justice in all crimes. The headman 692 did the same in a smaller way but appeal could always be made to the chief. Cases were heard by the chief sitting in council. He and his headmen and elders would assemble in the village open space and here cases were stated, often at great length.

Each party to the case would employ some man well known for his powers of oratory as leading counsel. The speaker for the plaintiff would start proceedings by a recital of all the evidence he could collect. After him would follow innumerable speakers, whether actual witnesses or not, each telling as good a story as he could, and the defendant's case would then be put by his representatives. There was no cross-examination but at the end, a summary was made and judgment given. A chief often took the advice of some one of his old men whom he trusted.[4] The chief received no payment for his services, except in the case of murder; neither did the "counsel" receive anything for their efforts.

674 **Crimes.** Causing the death of a person by witch medicine, *usuwi*, was the most heinous [954] crime; a *muavi* ordeal might be held, but if the offense was proved, burning was the punishment which usually followed.

[684] The offense second in gravity was adultery. This might be expiated by payment or by death, according to the circumstances under which it occurred; mutilation was often [696] performed in the case of a chief's wife. All death sentences with the exception of those

[1] Vide supra, p. 264. [2] Vide supra, pp. 245, 264. [3] Vide infra, p. 360.

[4] The old Malemya (Nahutumbo) has some very fine men among his counselors. Kumtupa and Chiupile, the latter renowned for his oratory, were his chief advisers in legal matters. Ndeleka, a slave, was his mentor in all personal and family affairs, while Chekasongo was in charge of all ceremonies and served with his assistant, Mpanje, as high priest on all occasions of intercession. Others acted as his emissaries, such as Mkopiti who always went on any missions to the Angoni, among whom he was known as Ndonjira.

3:Stannus D-5 (ca. 1912) 1922 FT7 Yao FT7

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One of the group is chosen to go in the morning and summon some one to appear on behalf of the accused man. He and the headman join the party in the bush when the whole of the case from the beginning of the deceased's illness, is again related, ending with the fowl test and dramatic statement of the name of the accused, whereupon the fowl's head on its stick is planted in the ground opposite to the man who has appeared for him as he squats listening to the story. The man who has been called to defend the accused, though the latter may have no particular claim on his kindness, is in honor bound to do his best. As the fowl's head is planted opposite him, he will shift quickly to one side, protesting the innocence of the accused. All then adjourn to the village to put the case before the chief. One of the men acts as prosecutor, again going through the whole case, calling witnesses and others to aid him in speaking. The accused is then defended by the man chosen for the purpose, assisted by others whom he asks to help him. They may speak for a week or more. The chief decides the case, and the result will be communicated to the defendant by his pleader.

If he is found guilty of causing the death of the deceased, he must pay the fine inflicted or if he has been accused actually of *usuzi*, he may have to undergo, or may offer to undergo, the *muzi* ordeal poison himself or the test may be made with a dog tied to the leg of the accused man. If the ordeal is satisfactory to the defendant, the man claims compensation for wrongful accusation. If he dies with *muzi*, his relatives have to pay compensation for the crime he is thereby shown to have committed.

● [692] If either party is dissatisfied with the chief's decision, recourse may be had to a hearing before another chief, the first being very glad to be rid of the case. The second gives judgment quickly. If the case goes on to a poison-ordeal, a day is fixed and the accused is taken out to some spot two or three miles from the village where a hut is built called *ndawo* (place of torture). Accompanied by the two pleaders, he remains here for several days. People from the village come out and attempts are made to make him confess any accomplices; beans are fried over a fire and when very hot are put into the accused's hands and his fists closed over them, or they are put in a cloth which is fastened round the perineum, or bamboo sticks are arranged one on either side of the head and tightened by a string.

The third day, natural undyed bark-cloth is obtained and men go out to fetch the *muzi* poison, two men from each party, the prosecutors and the defendants. One man sent by the prosecutor has actually to take the bark from the tree, while the others look on to see fair play. The bark can only be taken from the east or west side of a tree; it may not be cut with a knife or axe or be pulled off, but must be cut with a stone and allowed to fall; only a piece which falls with the inner surface lying upwards is taken. Any of the party may carry it but they must on no account leave one another. Having returned, they hide the *muzi*.

On the appointed day, the big drum is sounded and a crier goes round saying that everyone who wants to see so and so drink *muzi* must go to the appointed place. Every large

5: Mitchell E-5 (1946-1948) 1949 FT7 Yao FT7

Village headmen themselves are graded in importance and there are certain marks of rank which distinguish the more important headmen. We have already examined one of the most obvious ways in which the village headman's importance is judged, that is, by the number of people in his village. In addition there are other ways in which village headmen may be distinguished both from the common people and from less important headmen. Thus, for example, some of the more important village headmen have the right to conduct initiation ceremonies, this right being granted to them by the man who is in a way the most important village headman of all—the Chief. The right to hold a boys' initiation ceremony (*lupanda*) is of more importance than the right to hold a girls' initiation ceremony (*ciputu*). Yet another mark of rank is the right to wear a plain crimson band around the forehead (*mlangali*), this right also being granted by the Chief.

The Administration has recognized the more important village headmen and has entrusted to them certain duties. By no means all the people called 'village headmen' in this paper are recognized as such by the Administration, but I do not know of any person who has the right to wear a red band and is not also an Administrative village headman.

The status system has apparently been taken over from pre-European days, but it is uncertain to what extent these important village headmen had powers. Some to-day have all the marks of rank that the Chief has, i.e., they hold both boys' and girls' initiation ceremonies, are entitled to the special greeting accorded to important village headmen (*subuke*), wear a red band, have the right to be buried in the village and not in the common cemeteries, and to have their bodies prepared for interment by people of similar rank. It appears that such people exercised a certain amount of power, by reason of their personal qualities, over less powerful neighbours, and some were able in the past to demonstrate their autonomy by moving off to establish petty chiefdoms of their own.

Nowadays the Administrative village headmen have certain statutory duties to perform towards other minor groups actually independent but considered, for the purposes of the Administration, to belong to the village. The relative importance of the headman is still the deciding factor in such questions as determining who is to be called in to arbitrate in a case. Thus, though for Administrative purposes a small village may be considered to be a part of a larger Administrative village under an Administrative village headman, yet when a case for arbitration occurs within that smaller village, some other person than the Administrative village headman may be called in as arbitrator.

Laws promulgated by the Administration are conveyed through the Chief to the Administrative village headman and in this way a hierarchy of power is being introduced. The small village headman now sees the Administrative village headman as a representative of the Chief and the Administration. The Administrative village headman in turn sees the Chief in this light. But in matters directly affecting the Administration, the small village headman also sees the Administrative village headman as his own representative *vis-à-vis* the Chief and the Administration.

In general the village is by far the most important corporate body in the social organization of the Yao, not only as a significant primary group but also as an element

622 are composed of the descendants of slave-wives of village headmen in days past. Like the village
643 headmen the chief was considered to be in danger from contact with death. He could not attend
622 the funeral of commoners, he could not eat the
761 chicken which was brought to him at the announcement of the death of a commoner (for a village
[753] headmen) or subject (of a chief). Should he do so he would suffer from a disease called *ndaka*. Also village headmen, like the chief were supposed to be well versed in medicine and were regarded with some awe on this account. The chief and the village headmen were distinguished from the commoners in these ways.

643 But, the chief himself was a village headman. He had to administer the affairs of his family
622 group and slaves as had other village headmen.
692 He was involved in the struggle for power going on around him because he was not lifted above these secular struggles as was, for example, the Zulu King.[1] Duff MacDonald records for example: "In a dispute between the inhabitants of different villages, the respective headmen represent their own subjects, and the chief is appealed to. All his decisions are final. Still the chief may otherwise have less influence than a powerful headman, and we have known cases where he simply contented himself with grumbling when his headman acted contrary to his desire; and in many criminal trials he is eclipsed by the sorcerers and pounders of poison."[2]
643 Again MacDonald records how the chief tried
622 to entice subjects away from a village headman at a trial by pointing out that the village headman had a poor character and was unsuitable to look after people.[3] While there seems to have been some evidence that a number of village headmen under a chief acted jointly in the face of a common danger, but apparently with no powerful military organization. Village headmen seem to have been almost entirely autonomous in their actions, slave-raiding on their own, even raiding villages who paid tribute to the same chief as they did.

643 There is little doubt that village headmen did
622 wax in power and finally break away to form the
578 nucleus of a chiefdom of their own. The chief that a headman had left could do little to regain his lost subject and he had to rule not by tyranny but by tact. Duff MacDonald, for instance, records : "When a quarrel arises between the chief of the country and an important headman the latter may rebel and found a new kingdom, thus depriving the old chief perhaps of one-third of the villages in his dominion". [1] Nkanda is an example. "Nkanda of Cherasulo was at first a headmen of Kumpama's but rebelled and lives on the Southern side of that mountain an easy day's march from Blantyre." [2]

643 The leader was known, and is still known to-day, by the term *aryene cilambo*. This might be translated as "owner of the country" but the term "owner" in this context would be a mis-translation. I prefer to translate this phrase as : "The person with whom a certain area is identified". [3] Hence when a man says, as the Yao do : "I come from Kawinga's", he does not mean that the land is owned by Kawinga, but that Kawinga is the most important man in that area.

645 Among the village headmen in the area under a
631 particular leader there were a number of trusted
692 village headmen called *nduna*, which term I
622 have translated as "councillors". These councillors had special duties to perform. They were in the nature of governors in outer areas and each had a number of other villages under his jurisdiction. By this I mean that these villages were supposed to take certain cases for trial to him and to approach the leader through him. The councillors were supposed to visit the village of the chief each morning and to report anything untoward. The councillors also had the important duty of advising the chief, particularly in connexion with raiding of neighbouring tribes. Councillors also arbitrated in the domestic affairs of the chief and in the all too frequent conflicts between the Chief, his sister's sons and his younger brothers.

643 The chiefs are also able more successfully to press their claims to certain gifts from visiting Europeans, particularly in articles which are difficult for Africans to obtain—for example, cartridges. One chief uses his rifle to shoot game and the meat is peddled round the villages by one of his servants. Some are also able to make use of the services of remand prisoners and other villagers in their gardens, thus growing more food and sometimes more of cash crops as tobacco. Other chiefs are able to use their salaries as capital and employ labourers to cultivate tobacco and other cash crops. A few returned labour migrants make small gift payments to the chief.

643 692 The main duty of the chief is the arbitration in disputes. The Native Courts Ordinance established two classes of native courts, called respectively A and B courts, which differ in their powers. Under the same Ordinance court assessors who are remunerated from Native Treasury funds, were appointed.

693 647 The Native Authority's bureaucracy is made up of a large assortment of functionaries and officials, including in the largest court, (Kawinga's), 6 court assessors, 1 court clerk, 1 assistant court clerk, 1 community worker, 1 forest guard, 1 agricultural demonstrator, 1 sanitary inspector, 9 court messengers, 2 caretakers, 4 garetta men, [1] 1 market clerk, 1 market sweeper. Other Native Authorities also have well inspectors. These people are remunerated from the Native Treasury and the most highly paid is usually the court clerk. I do not intend to deal in detail with the duties of each but I shall deal with the more important of them and make some general remarks about their position in the structure.

693 645 The court assessors are supposed to assist in arbitrating cases. Under the old system there were both councillors, ~~sabasa~~, and court assessors, ~~mapanga~~, (see p. 144). There is not sufficient provision for the remuneration of both councillors and court assessors in the modern system and there has been a general alteration in their functions. Some of the old councillors are no longer

622 Administrative village. The N.A.'s bureaucracy considers him responsible for the collection of the taxes though, of course, the legal responsibility rests on the tax-payer. The village headman is generally responsible for the various regulations that the villagers must carry out. In practice the Administrative village headman may be in charge of a single kin-group and thus have a certain amount of control over the villagers because of his kinship with them. More frequently, however, the Administrative village headman is also in charge of a number of other hamlets, sometimes completely unrelated to him but who happen to have been assigned to his jurisdiction. He then delegates the responsibilities to the headmen in charge of the hamlets.

622 554 The Yao judge rank among the village headmen largely in terms of historical antecedents and by the number of dependants that a village headman has. While a certain village headman may be ranked fairly highly in the status system because his ancestors were closely associated with the ancestors of the chief, he may not now have many villagers around him. A newcomer to the area however, can only become notable by acquiring sufficient followers to make him a man of considerable power. Associated with rank are the various insignia that I have mentioned, i.e. the right to hold initiation ceremonies, the right to wear a red band round the head, etc. The competition among village headmen therefore, is phrased largely in terms of competition for these particular insignia of rank. They strive to be recognized as Administrative village headmen—"to have a book" as they say, since this at once means that they will receive a remuneration for work which they would have to do anyway, and it also means that they would be recognized as village headmen in the eyes of the White Administration. Village headmen also compete with each other to have the right to hold initiation ceremonies and use the threat to move out of the chief's area to bring pressure to bear on him to force him to grant the right.

692 While domestic quarrels are usually settled by the kin-group leaders and by the husband's and wife's parties conferring together, differences out-

692 side the kin-group are usually settled by the arbitration of a local village headman or the chief. What decides whether a case is tried by a village headman or a chief seems to depend largely on the seriousness of the case and hence the amount of compensation that it involves. A quarrel between a village headman and his heir for example was settled by a local village headman, the compensation in this case being a matter of 2/- and a pot of beer. More serious cases are taken to the chief for arbitration and whether the cases are then tried in the court or not depends on the type of case. Certain cases are known to conflict with the system of values of the Whites. They are tried by the same court assessors and arbitrated in by the same chief who preside in the context of the Native Courts Ordinance, but they are handled by an entirely different procedure. Thus, a case involving the accusation of sorcery or the breach of a taboo leading to death and compensation claims is arbitrated on by the chief acting in terms of the indigenous value system. These cases take place outside the court-house, usually at the chief's hut, and are not recorded as a court case at all. The chief awards compensation in the same way but it is not recorded as in ordinary court cases.

Cases which are known not to conflict with White values are tried in the court-house if compensation of some value is involved. If we exclude from consideration the cases following a breach of the N.A.'s regulations we find that the recorded court cases are almost entirely about compensation for adultery, petty theft and assaults. Here the chief and court assessor function as social personalities acting in reference to a set

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VI. GENERAL SUMMARY

642 177 I have tried to describe the political structure of the Yao in Liwonde, Kawinga and Nyambi sub-areas in terms of the interaction of social personalities in a structure briefly summarised in the diagram. The aspect of the social personality perceivable in set situations of social interaction

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692 of White values which coincide with their own.

Informants say that the position of the village headman in contrast with that of the chief is getting progressively weaker. They maintain that cases once tried by the village headman are now taken to the chief's court. Whether this is true or not is difficult to ascertain. The fact that there is some sanction on the guilty party to settle the compensation if he is tried in the chief's court, probably pays a part. The compensation awarded is recorded in the Court Case book and the chief is empowered to keep a man under remand until it is paid. The chief sometimes supports the village headman against recalcitrant subjects. A man once refused to pay a compensation awarded against him by a village headman. The village headman referred the case to the chief who said to the man: "As you have disobeyed the order of the village headman it means that you have insulted me, the District Commissioner and the Governor". But in general there is a tendency for the central authority to be strengthened and the chief emphasizes his relationships to the White Administration in order to consolidate his position of dominance over his headmen. At a succession ceremony of a village headman the chief who had supported an unpopular candidate said: "This man has been chosen by me and the Governor agrees with me". Clearly in this insecure situation the chief saw himself against his subjects, and as part of the White Administration. He uses his power in this political situation to establish a dominance over the headmen, that he could never have established before the White men came (see p. 144).

VI. General
SUMMARY

642 177 depends on the field of values in which the interaction is taking place. To illustrate this with a simple example, when the court messenger exacted a levy of 1d. from each garden-owner in the area where the sacrificial cloth had been stolen from the tree-shrine, they saw in him a